

1-1 By: West S.B. No. 718
 1-2 (In the Senate - Filed February 21, 2013; February 25, 2013,
 1-3 read first time and referred to Committee on Health and Human
 1-4 Services; March 28, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 March 28, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 718 By: West

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to voluntary and involuntary mental health services.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. The heading to Chapter 572, Health and Safety
 1-24 Code, is amended to read as follows:
 1-25 CHAPTER 572. VOLUNTARY [~~INPATIENT~~] MENTAL HEALTH SERVICES
 1-26 SECTION 2. Section 572.001, Health and Safety Code, is
 1-27 amended by amending Subsections (a), (c), and (d) and adding
 1-28 Subsections (a-1) and (c-1) to read as follows:
 1-29 (a) A person 16 years of age or older [~~or a person younger~~
 1-30 ~~than 16 years of age who is or has been married~~] may request
 1-31 admission to an inpatient mental health facility or for outpatient
 1-32 mental health services by filing a request with the administrator
 1-33 of the facility where [~~to which~~] admission or outpatient treatment
 1-34 is requested. The parent, managing conservator, or guardian of a
 1-35 person younger than 18 years of age [~~who is not and has not been~~
 1-36 ~~married~~] may request the admission of the person to an inpatient
 1-37 mental health facility or for outpatient mental health services by
 1-38 filing a request with the administrator of the facility where [~~to~~
 1-39 ~~which~~] admission or outpatient treatment is requested.
 1-40 (a-1) Except as provided by Subsection (c), an inpatient
 1-41 mental health facility or provider of outpatient mental health
 1-42 services may admit or provide services to a person older than 16
 1-43 years of age and younger than 18 years of age if the person's
 1-44 parent, managing conservator, or guardian consents to the admission
 1-45 or services, even if the person does not consent to the admission or
 1-46 services.
 1-47 (c) A person or agency appointed as the guardian or a
 1-48 managing conservator of a person younger than 18 years of age and
 1-49 acting as an employee or agent of the state or a political
 1-50 subdivision of the state may request admission of the person
 1-51 younger than 18 years of age only with the person's consent. If the
 1-52 person does not consent, the person may be admitted for inpatient
 1-53 services only pursuant to an application for court-ordered mental
 1-54 health services or emergency detention or an order for protective
 1-55 custody.
 1-56 (c-1) A person younger than 18 years of age may not be
 1-57 involuntarily committed unless provided by this chapter, other
 1-58 state law, or department rule.
 1-59 (d) The administrator of an inpatient or outpatient mental
 1-60 health facility may admit a minor who is 16 years of age or older [~~or~~

2-1 ~~a person younger than 16 years of age who is or has been married]~~ to
2-2 an inpatient or outpatient mental health facility as a voluntary
2-3 patient without the consent of the parent, managing conservator, or
2-4 guardian.

2-5 SECTION 3. Section 572.002, Health and Safety Code, is
2-6 amended to read as follows:

2-7 Sec. 572.002. ADMISSION. The facility administrator or the
2-8 administrator's authorized, qualified designee may admit a person
2-9 for whom a proper request for voluntary inpatient or outpatient
2-10 services is filed if the administrator or the designee determines:

2-11 (1) from a preliminary examination that the person has
2-12 symptoms of mental illness and will benefit from the inpatient or
2-13 outpatient services;

2-14 (2) that the person has been informed of the person's
2-15 rights as a voluntary patient; and

2-16 (3) that the admission was voluntarily agreed to:

2-17 (A) by the person, if the person is[+
2-18 [~~(i)~~] 16 years of age or older; or
2-19 [~~(ii) younger than 16 years of age and is or~~
2-20 ~~has been married, or]~~

2-21 (B) by the person's parent, managing
2-22 conservator, or guardian, if the person is younger than 18 years of
2-23 age [~~and is not and has not been married]~~.

2-24 SECTION 4. This Act takes effect immediately if it receives
2-25 a vote of two-thirds of all the members elected to each house, as
2-26 provided by Section 39, Article III, Texas Constitution. If this
2-27 Act does not receive the vote necessary for immediate effect, this
2-28 Act takes effect September 1, 2013.

2-29 * * * * *